

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Stanscel Smith, Jr.,)	
)	
Plaintiff,)	C.A. No. 7:08-4135-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Cherokee Masonry, Inc., Paul McDaniel,)	
and Edward Patterson,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.¹ Stanscel Smith, Jr. (“Smith”), proceeding pro se, filed a complaint asserting a claim for constructive discharge because of his race pursuant to Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e, et seq. Magistrate Judge Hendricks recommends granting the Defendants’ motions to dismiss. Smith filed objections to the Report.

Objections to the Report must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report of the

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After review the court finds that Smith's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report, and merely restate his claims. Therefore, after a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report and Recommendation.

Therefore, it is

ORDERED that the Defendants' motions to dismiss, docket numbers 33 and 54, are granted.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 18, 2009

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.